



# Department of Justice

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**CHARGED WITH INTERNATIONAL CONSPIRACIES,  
THREE COMPANIES TO PAY SECOND LARGEST FINE IN ANTITRUST HISTORY**

**Companies and Officials to Plead Guilty  
as Part of DOJ Crackdown on International Cartels**

WASHINGTON, D.C. --Three companies charged today by the Justice Department with conspiring to rig bids have agreed to pay a total of \$65 million in criminal fines-- the second largest criminal antitrust settlement ever. The Dutch, Belgian and Texas firms are charged with participating in international conspiracies in marine construction and transportation services. An official from the Dutch company and two former officials from the Belgian company agreed to criminal fines totalling \$325,000. The companies and individuals will offer guilty pleas at arraignment, possibly as early as today.

"These cases further prove that the Department of Justice is successfully prosecuting international cartels that increase prices for consumers in the United States and around the globe and unfairly impede competition in our markets," said Attorney General Janet Reno. "Customers for these vital marine services should not be denied the benefits of competitive bidding."

In one case, HeereMac, v.o.f. and its Commercial Director, Jan Meek, were charged with participating in an international conspiracy to rig bids for heavy-lift marine construction

services. In a separate case, the other two companies, Dockwise N.V. and Dockwise U.S.A. Inc., were charged with an international conspiracy to rig bids for semisubmersible heavy-lift transport services. Christiaan Bernardus van der Zwan and Bastiaan Albertus de Jong, both former officials of Dockwise N.V., were also charged in the case. Both criminal felony cases were filed in U.S. District Court in Chicago.

HeereMac is based in The Netherlands, and Meek is a Dutch national. Dockwise N.V. is a Belgian company, and van der Zwan and de Jong are Dutch nationals. Dockwise U.S.A., a subsidiary of Dockwise N.V., is a U.S. company based in Houston, Texas.

"With today's global economy, the Antitrust Division's top priority in criminal enforcement is to uncover and vigorously prosecute international cartels that harm American citizens and companies," said Joel I. Klein, Assistant Attorney General for Antitrust. "Today's charges demonstrate again that violators of our antitrust laws who are beyond our borders should not feel safe from prosecution."

The first case charged HeereMac and Meek with violating the Sherman Antitrust Act by conspiring with unnamed co-conspirators to suppress and eliminate competition. It alleged that they rigged bids for heavy-lift derrick barge and related marine construction services in the United States and elsewhere from 1993 until May 1997. Heavy-lift derrick barges are floating cranes with a capacity to lift loads heavier than 4000 tons and

are used to construct offshore oil and gas production and drilling platforms.

According to the criminal information, HeereMac, Meek, and their co-conspirators:

- participated in meetings and conversations to discuss and agree upon the prices at which to bid for contracts;
- discussed and agreed upon which conspirator entity would obtain particular contracts;
- exchanged proposed bid prices for particular contracts; and
- agreed to allocate among the conspirator entities particular customers and exclusive geographical territories.

HeereMac has agreed to pay a fine of \$49 million, and Meek has agreed to pay a fine of \$100,000.

In the second case, the Department charged Dockwise N.V., Dockwise U.S.A., van der Zwan, and de Jong with violating the Sherman Antitrust Act by conspiring with unnamed co-conspirators to suppress and eliminate competition. It alleged that they rigged bids for semisubmersible heavy-lift transport services from at least as early as 1990 until May 1995. Semisubmersible heavy-lift transport vessels move extremely large cargo, such as drilling rigs and other ships. Worldwide revenues in heavy-lift marine transport services were more than \$200 million in 1996. Van der Zwan is the former president and de Jong the former general manager of the Commercial Department of Dockwise N.V.

According to the criminal information, Dockwise N.V., Dockwise U.S.A., van der Zwan, de Jong, and their co-conspirators:

- discussed the submission of bids on upcoming contracts;
- designated which conspirator would be the lowest responsive bidder for contracts;
- discussed and agreed upon prices to be submitted on bids for contracts; and
- provided services to customers, including the United States Navy, at noncompetitive prices, received compensation therefor, and split the resulting profits.

Dockwise N.V. has agreed to pay a fine of \$15 million and Dockwise U.S.A. to pay a fine of \$1 million. Van der Zwan has agreed to pay a fine of \$150,000 and de Jong to pay a fine of \$75,000.

In addition to the \$15 million criminal fine, Dockwise N.V. has agreed to pay the United States \$4 million in civil damages to the U.S. Navy as a result of contracts related to the charged conspiracy.

The charges filed today arose out of two separate, ongoing investigations. The construction services investigation will continue under the direction of DOJ's antitrust division in Washington, DC and the Houston Office of the FBI. The transportation services investigation will continue under the direction of the Dallas Field Office of the antitrust division and the Dallas Office of the Naval Criminal Investigative Service. Today's plea agreements require each defendant to cooperate in the respective investigations.

"The companies and individuals that were charged today have already provided and will continue to provide valuable cooperation that will help advance these two international

investigations against their co-conspirators," said Gary R. Spratling, the antitrust division's Deputy Assistant Attorney General for Criminal Enforcement.

All of the defendants are charged with violating Section 1 of the Sherman Antitrust Act, which carries a maximum fine of \$10 million for corporations and a maximum penalty of three years imprisonment and a \$350,000 fine for individuals. The maximum fine for both corporations and individuals may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

In 1996, Archer Daniels Midland paid \$100 million, the largest antitrust criminal fine ever, for its participation in two international cartels in the food and feed additives industry.

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